



California Farm Bureau Federation

DEPARTMENT OF ENVIRONMENTAL ADVOCACY

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**COMMENTS OF CALIFORNIA FARM BUREAU FEDERATION
AT THE STATE WATER RESOURCES CONTROL BOARD
TRIENNIAL REVIEW WORKSHOP
June 14, 1994**

The California Farm Bureau Federation submits the following comments in response to the State Water Resources Control Board ("Board") Notice of Public Workshop for June 14. As a general matter, we commend the Board in its efforts to consider all the factors that contribute to the decline of fish and wildlife resources in the Delta, and not just the diversion of water. It has been our longstanding belief that many factors other than the diversion of water have significantly affected the Delta, and possibly even more significant at this juncture, that these other factors will make any attempts to mitigate the effects on the Delta very difficult, if not impossible. We therefore ask the Board to leave this workshop today with two important ideas. First, that we cannot turn back the clock and ignore the reality of the Delta today; and second, considering the present state of the Delta, any efforts to restore its fish and wildlife resources may be futile.

I. WE CANNOT TURN BACK THE CLOCK

We must all recognize that we cannot turn back the clock to a simpler and less populous time. This is not possible nor does it make sense as a matter of policy. For example, we cannot undo the serious problems in the Delta and the rivers created by mine abandonment and hydraulic mining. We must also recognize that there are over 150 introduced aquatic species of plants and animals, including over 27 different non-native fish species (this likely includes the Delta Smelt) and there will undoubtedly be additional species introduced over time. Industrial and municipal discharges also contribute to pollution levels and directly affect fish and wildlife. Possibly the most significant impact on delta fish and wildlife has been fishing, both legal and illegal. History has indicated that fisherman were able to completely decimate the sardine fishery off the Monterey Coast without any help from inland users of water. Arthur F. McEvoy's book "The Fisherman's Problem" is a good source to understand this problem.

Taken as a whole, these numerous factors have dramatically altered the Delta, which has resulted in the evolution of the fish and wildlife resources over the years. The estuary is a dynamic system that changes over time, constantly reacting to all of the forces that touch upon the Delta. We do not have a stable system that lends itself to defined management actions that will result in specific changes in populations of target species, and it is not realistic to restore our natural resources to untenable levels which existed during times of significantly fewer people.

II. COMPREHENSIVE MANAGEMENT IS THE SOLUTION TO THE DELTA

Farm Bureau has advocated that throwing water at the problems in the Delta is no solution at all, but instead comprehensive management is the only way to improve the Delta. Put differently, the Board cannot afford to implement measures in the Delta involving large financial and/or water costs without having a carefully articulated opinion that such measures can provide significant environmental benefits in the absence of measures addressing the potentially significant factors being discussed today. This simply does not make sense.

Of course Californians, including farmers and ranchers, can and should protect the environment better than we have in the past, at each increasing level of our human population. The environment will not be protected, however, if efforts aimed at protecting the environment are futile. There is a general water law doctrine that a call cannot be made upon the waters of a river if the water will not serve the purposes for which the call is made. This doctrine applies to the Delta and dictates that increased Delta outflow and restrictions in diversions cannot be required without evidence that the water will actually benefit the instream uses of the water. This means that we need to question whether there is a technical or scientific basis that any proposed water management measures can be substantially effective considering all of these other factors in the Delta, such as the competition within the entire food chain by introduced species. If this basis does not exist, then water management measures will only serve to disrupt the economic and social fabric of California.